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December 13, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Notice of Ex Parte Communication in  
WT Docket 99-168

Dear Ms: Salas:

This is to inform the Commission that on December 9, 1999, the undersigned and other representatives of the Association of Public-Safety Communications Officials-International, Inc. (APCO), the Major City Chiefs Association, the International Association of Chiefs of Police, and the Anne Arundel County Police Department (hereinafter "Public Safety Representatives") met with the following individuals at the Commission regarding the above-referenced proceeding:

Commissioner Gloria Tristani and her Legal Advisor, Adam Krinsky  
Wireless Telecommunications Bureau Chief Thomas Sugrue, Deputy Bureau Chief  
James Schlichting, Deputy Bureau Chief Kathleen O'Brian Ham, and other members of the  
Bureau staff  
Mark Schneider, Legal Advisor to Commissioner Susan Ness  
Ari Fitzgerald, Legal Advisor to Chairman William Kennard  
Bryan Tramont, Legal Advisor to Commissioner Furchtgott-Roth  
Peter Tenhula, Legal Advisor to Commissioner Michael Powell

The Public Safety Representatives discussed the importance of ensuring that future radio systems in the 764-776/794-806 MHz Public Safety Radio Services Band are not subject to harmful interference from users of the adjacent spectrum at 746-764/776-794 MHz. In particular, the Public Safety Representatives expressed grave concern regarding the potential that commercial mobile radio services (CMRS) might operate in spectrum immediately adjacent to public safety. Recent experience in the 800 MHz band suggests a very serious danger of interference from CMRS cell sites

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experience in the 800 MHz band suggests a very serious danger of interference from CMRS cell sites that are in close proximity to public safety radio transmitters (both fixed and mobile). For example, Chief Thomas Shanahan of the Anne Arundel Police Department indicated that his agency now has numerous "dead spots" on its radio system which are directly attributable to CMRS cell sites that appear to be operating in full compliance with FCC rules. Similar situations across the nation indicate that non-interference rules and out-of-band emissions limits alone are inadequate to protect critical public safety radio operations. Rather there must also be "operational" interference protections (*e.g.*, frequency coordination) which take into account the geographic location of receivers and transmitters.

The Public Safety Representatives indicated support for allocating the 700 MHz spectrum immediately adjacent to the public spectrum band for private mobile radio services ("PMRS" or "private wireless"), and indicated that this would provide the most effective and proven method of protecting public safety operations. Private wireless services have proven to be compatible with adjacent spectrum public safety systems in other bands. In particular, private wireless systems are licensed on a site specific basis through frequency coordination procedures, which allows for channel assignments that take into account whether there are adjacent channel operations in the same geographic vicinity. The inclusion of site location information and technical parameters in license data bases also facilitates rapid identification and resolution of interference problems that sometimes occur notwithstanding prior coordination (however, it is far superior to avoid interference in the first instance, considering the critical nature of public safety communications). In addition, private wireless and public safety operations generally use similar equipment, operating parameters and system architecture, which greatly improves the ability to design non-interfering radio systems on adjacent frequencies. Finally, because private wireless and public safety users often purchase similar lines of equipment, an allocation of 700 MHz spectrum for private wireless services could lead to wider equipment availability and lower costs for all users of the band.

Please contact the undersigned should the Commission have any questions.

Respectfully submitted,



Robert M. Gurss  
Counsel for APCO

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cc: Honorable Gloria Tristani  
Thomas Sugrue, Chief WTB  
James Schlichting, Deputy Chief WTB  
Kathleen O'Brian Ham, Deputy Chief WTB  
Ari Fitzgerald, Esq.  
Mark Schneider, Esq.  
Bryan Tramont, Esq.  
Peter Tenhula, Esq.  
Adam Krinsky, Esq.  
Captain Joe Hanna  
Chief Thomas Shanahan  
Chief Bud Willoughby